

REAL ESTATE BOARD
MINUTES OF MEETING

February 18, 2010

The Real Estate Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Carol Clarke, Chair
Byrl Taylor, Vice Chair
Judith Childress
Nathaniel Brown (arrived at 9:20 a.m.)
Sharon P. Johnson
Scott Gaeser
Clifford Wells

The following Board members were not present: Florence Daniels
Marjorie Clark

DPOR staff present for all or part of the meeting included:

Jay DeBoer, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
David Dorner, Director, Field Investigations
Janet Creamer, Field Supervisor
Sharon Dunsing, Investigator
Mitch Melis, Investigator
Earlyne Perkins, Legal Analyst
Emily Trent, Administrative Assistant

Steven Jack from the Office of the Attorney General was present.

Carol Clarke called the meeting to order at 9:15 A.M.

Call to Order

A motion was made by Ms. Johnson and seconded by Mr. Gaeser to approve the agenda. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Gaeser, Johnson, Taylor and Wells.

Agenda

Nathaniel Brown arrived at 9:20 A.M.

Arrival of Board Member

At 9:27 A.M., Mr. Gaeser offered a motion which was seconded by Mr. Wells, that the Board meeting be recessed and that the Real Estate Board

Closed Session

immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Jay DeBoer, Christine Martine, Mark Courtney, Janet Creamer and Sharon Dunsing.

This motion is made with respect to the matter(s) identified as agenda item(s):

File Number 2010-02994 – REB v. Athans, Inc. t/a St. John's Realty

At 10:03 A.M., a motion was made by Mr. Gaeser and seconded by Ms. Johnson that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 7-0

AYES: Brown, Childress, Clarke, Gaeser, Johnson, Taylor and Wells.

NAYS: None.

ABSENT DURING THE VOTE: Clark and Daniels.

ABSENT DURING THE MEETING: None.

In the matter of **FHB File Number 2010-02994, Athan's Inc. t/a St. John's Realty**, a motion was made by Mr. Wells and seconded by Ms. Johnson to direct legal counsel to file a petition to request that the court temporarily enjoin further activity by the licensee, Athan's Inc. t/a St.

John's Realty and to take such other and further action as shall be necessary to conserve, protect and disburse funds within the firm's accounts; and further, that the court appoint a receiver pursuant to § 54.1-2108 of the *Code of Virginia* to effectuate such ends. The motion passed by majority vote. Members voting "Yes" were Brown, Clarke, Johnson, Taylor and Wells. Members voting "No" were Childress and Gaeser.

There was no public comment.

Public Comment

There being no further business, the Board adjourned at 10:10 A.M.

Adjourn

Carol F. Clarke, Chair

Jay DeBoer, Secretary